

Amendment and Response under 37 C.F.R. 1.116

Applicant: Bradley J. Anderson et al.

Serial No.: 09/938,981

Filed: August 24, 2001

Docket No.: 10006905-1

Title: DUAL SCANNER SYSTEM AND METHOD

REMARKS

The following remarks are made in reply to the Final Office Action mailed March 17, 2004 in which claims 23-32 were allowed, claims 1-8, 10-16, 19, and 22 were rejected, and claims 17, 18, 20 and 21 were objected to. With this Amendment, claims 1, 7, and 10-12 have been amended to clarify Applicant's invention. Claims 1-8 and 10-32 remain pending in the application and are presented for reconsideration and allowance.

Examiner Interview

Applicant thanks the Examiner for the courtesy extended to Applicant's representative, Scott A. Lund, during a telephonic interview conducted on May 5, 2004 during which Applicant's invention and Applicant's understanding of the Koch U.S. Patent No. 5,262,624 were discussed. No agreement, however, was reached at that time.

Claim Rejections under 35 U.S.C. § 102

Claims 1-8, 10-16, 19, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Koch U.S. Patent No. 5,262,624.

With respect to the rejection of claims 1-8 and 10-13, with this Amendment, independent claim 1 has been amended to clarify that the system for scanning a medium includes a second scanner adapted to scan a second side of the medium independent of the first scanner scanning the first side of the medium and detect one of a presence and an absence of a second image on the second side of the medium, and independent claim 7 has been amended to clarify that the method of scanning a medium includes scanning a second side of the medium independent of scanning the first side of the medium, including detecting one of a presence and an absence of a second image on the second side of the medium.

With respect to the Koch patent, this patent does not teach or suggest a system for scanning a medium, as claimed in independent claim 1, nor a method of scanning a medium, as claimed in independent claim 7. For example, the Koch patent discloses that the second scanner 42 scans the response areas on the other side (i.e., second side 22) of the form in response to the enabling signal 54 as produced from the timing track 24 on the one side (i.e., first side 20) of the form (see Abstract; Figs. 1-3; col. 6, lines 17-58). More specifically, as disclosed in the Koch patent, "the scanning control information 56 derived from the timing

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track 24 printed on the first side 20 of the form 14 is used to control the generation of scanned information 62 from the response areas 32 on the opposite side of the form, second side 22, via the means for producing an enabling signal 44" (col. 6, lines 47-53). Thus, scanning of the second side of the form is not performed independent of scanning of the first side of the form.

In view of the above, Applicant submits that independent claims 1 and 7 are patentably distinct from the Koch patent and, therefore, are in a condition for allowance. Furthermore, as dependent claims 2-6 further define patentably distinct claim 1, and dependent claims 8 and 10-13 further define patentably distinct claim 7, Applicant submits that dependent claims 2-6, and dependent claims 8 and 10-13 are also in a condition for allowance. Applicant, therefore, respectfully requests that the rejection of claims 1-8 and 10-13 under 35 U.S.C. 102(b) be reconsidered and withdrawn and that claims 1-8 and 10-13 be allowed.

With respect to the rejection of claims 14-16, 19, and 22, Applicant respectfully traverses this rejection. The system of independent claim 14 recites that, if the image is disposed only on the first side of the medium and the second side of the medium is blank, the first side data signal includes a first image signal and the second side data signal includes a blank signal, wherein the image reproduction data signal includes the first image signal and the blank signal.

The Examiner indicates that claims 23-32 are allowed for the reason that the prior art does not teach or suggest that, as recited in independent claim 23, if the image is disposed on the first side of the medium and the second side of the medium is blank, generating the first side data signal includes generating a first image signal and generating the second side data signal includes generating a blank signal, wherein generating the image reproduction data signal includes including the first image signal and the blank signal. Accordingly, for the reason that independent claim 23 is patentably distinct from the prior art and allowed, Applicant submits that independent claim 14 is patentably distinct from the prior art and requests that independent claim 14 be allowed.

In view of the above, Applicant submits that independent claim 14 is patentably distinct from the Koch patent and, therefore, is in a condition for allowance. Furthermore, as dependent claims 15, 16, 19, and 22 further define patentably distinct claim 14, Applicant

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submits that dependent claims 15, 16, 19, and 22 are also in a condition for allowance.

Applicant, therefore, respectfully requests that the rejection of claims 14-16, 19, and 22 under 35 U.S.C. 102(b) be reconsidered and withdrawn and that claims 14-16, 19, and 22 be allowed.

Allowable Subject Matter

Claims 17, 18, 20, and 21 have been objected to as being dependent on a rejected base claim and have been indicated as being allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Applicant agrees with the Examiner that claims 17, 18, 20, and 21 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. As outlined above, however, Applicant submits that independent claim 14 (from which claims 17, 18, 20, and 21 depend) is allowable over the art of record. As independent claim 14 is believed to be in allowable form, Applicant respectfully submits that claims 17, 18, 20, and 21 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claims 17, 18, 20, and 21 be removed and that claims 17, 18, 20, and 21 be allowed.

Claims 23-32 have been allowed. Applicant appreciates the indicated allowability of claims 23-32.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-8 and 10-32 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either Gregg W. Wisdom at Telephone No. (360) 212-8052, Facsimile No. (360) 212-3060 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

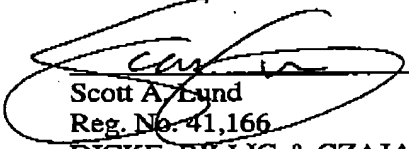
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Respectfully submitted,

Bradley J. Anderson et al.,

By,

Date: May 12, 2004
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By 

Name: Scott A. Lund

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Applicant: Bradley J. Anderson et al.

Examiner: Jerome Grant II

Serial No.: 09/938,981

Group Art Unit: 2626

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1. Transmittal Letter for Response/Amendment (1 pg.);
2. Amendment and Response (12 pgs.).

Respectfully submitted,

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